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February 26, 2021

VIA ELECTRONIC COURT FILING

Hon. William J. Martini, U.S.D.J.
U.S. District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

RE: *Wyckoff Properties, LP, et al. v. Selective Insurance Company, et al.*
U.S.D.C., D.N.J., No. 2:21-cv-00238-WJM-MF

JOINT REQUEST BY ALL PARTIES TO ADJOURN ALL PENDING AND FORTHCOMING MOTIONS TO THE APRIL 19, 2021 MOTION DAY

Dear Judge Martini:

My office represents Defendant, American Zurich Insurance Company (“Zurich”), in the above-referenced insurance-coverage action. Counsel for Zurich, Plaintiffs, and Defendants Harleysville Insurance Company, Harleysville Preferred Insurance Company and Harleysville Insurance Company of New Jersey i/p/a collectively as “Harleysville Insurance Company” (hereinafter, “Harleysville Defendants”), conferred and all agreed to adjourn all pending and forthcoming motions to the April 19, 2021 Motion Day. We respectfully submit this joint request by all parties for the Court to enter the accompanying proposed scheduling order, which will adjourn all pending and forthcoming motions to the April 19, 2021 Motion Day and establish corresponding deadlines for briefs to be filed.

On February 25, 2021, we filed a motion to strike Plaintiff, Taste Buds LLC’s brief in opposition [ECF 18] to Zurich’s motion to dismiss [ECF 9], on the basis that Taste Buds’ brief does not conform to the New Jersey Federal Court Rules. ECF 19. After we filed Zurich’s motion, we further discussed the matter with Plaintiffs’ counsel. Following that discussion, Zurich and Plaintiffs agreed to adjourn both Plaintiffs’ motion to remand [ECF 11] and Zurich’s motion to dismiss Taste Buds’ claims [ECF 9] to the April 5, 2021 Motion Day. The basis for the agreed-upon adjournment is to provide Taste Buds more time to file a new brief in opposition



to Zurich's motion to dismiss which conforms to Rules, and to provide Zurich more time to respond to Plaintiffs' motion to remand.

However, in the time since that discussion, counsel for Harleysville Defendants, who filed a notice of appearance on February 24, 2021, contacted counsel for Zurich and Plaintiffs proposing that the pending motions be adjourned to April 19, 2021, so that Harleysville Defendants may file a response to Plaintiffs' motion to remand and since Harleysville Defendants intend to file a separate motion to dismiss. All parties agree that an adjournment of all pending and forthcoming motions to the April 19 Motion Day is a sensible and efficient approach for the parties and the Court.

Accordingly, as set forth in the accompanying proposed scheduling order, all parties agree on the following briefing schedule consistent with the Court's calendar:

- March 26, 2021 — deadline for Harleysville Defendants to file a motion to dismiss;
- April 5, 2021 — deadline for parties to oppose any pending motion;
- April 12, 2021 — deadline for parties to file a reply for their pending motions;
- April 19, 2021 — Motion Day for all pending motions [ECF 9, 11, and Harleysville Defendants' forthcoming motion to dismiss].

The parties respectfully request that the Court enter the accompanying proposed order, which will adjourn both pending motions [ECF 9, 11] and Harleysville Defendants' forthcoming motion to the April 19, 2021 Motion Day, and establish the other deadlines above.

Very truly yours,

s/ Timothy A. Carroll

Timothy A. Carroll

Enclosure (Proposed Order)

cc: Patrick F. Hofer, Esquire (Admission Request Forthcoming)
Jared Clapper, Esquire (Admission Request Forthcoming)
Counsel for Defendant, American Zurich Insurance Company

Francis Crotty, Esquire
Counsel for Plaintiffs

Patrick J. Mulqueen, Esquire
Counsel for Defendant, Harleysville Defendants



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

WYCKOFF PROPERTIES, LP, D/B/A
ALDO'S PANE & VINO, *et al.*,

Plaintiffs,

v.

SELECTIVE INSURANCE COMPANY, *et*
al.,

Defendants.

Civil Action No. 2:21-cv-00238-WJM-MF

ORDER

Upon review of the joint request by all parties to adjourn all pending motions [ECF 9 & 11] and the forthcoming motion to dismiss by Defendants Harleysville Insurance Company, Harleysville Preferred Insurance Company and Harleysville Insurance Company of New Jersey i/p/a collectively as "Harleysville Insurance Company" ("Harleysville Defendants"), to the April 19, 2021 Motion Day, **IT IS** this _____ day of _____, 2021, **ORDERED** as follows:

1. March 26, 2021 is the deadline for Defendant, Harleysville Defendants to file a motion to dismiss;
2. April 5, 2021 is the deadline for any party to file a brief in opposition to any pending motion;
3. April 12, 2021 is the deadline for any party to file a reply brief in support of its respective pending motion;
4. April 19, 2021 is the Motion Day for all pending motions [ECF 9 & 11] and Harleysville Defendants' forthcoming motion to dismiss.

BY THE COURT

Hon. William J. Martini, U.S.D.J.